

04-16-01

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Patent

6646-114N8

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior application: 08/306,456

Examiner: Woo, Stella

Art Unit: 2643

11000 U.S. PTO  
09/835146  
04/13/01

## BOX PATENT APPLICATION

Commissioner for Patents

Washington, D.C. 20231

## FILING UNDER 37 CFR 1.53(B)

This is a request for filing for a

☒ continuation ☐ divisional

application under 37 CFR § 1.53(b) of pending prior application Serial No. 08/306,456 filed on September 14, 1994, which is a continuation of application Serial No. 08/058,452 filed on May 7, 1993, now U.S. Patent No. 5,359,645, which is a continuation of application Serial No. 07/680,879 filed on April 5, 1991, now U.S. Patent No. 5,224,153, which is a continuation-in-part of application Serial No. 07/481,403 filed on February 20, 1990, now U.S. Patent No. 5,014,298, which is a continuation-in-part of application Serial No. 07/312,792 filed on February 21, 1989, now U.S. Patent No. 5,073,929, which is a continuation-in-part of application Serial No. 07/194,258 filed on May 16, 1988, now U.S. Patent No. 4,845,739, which is a continuation-in-part of application Serial No. 07/018,244 filed on February 24, 1987, now U.S. Patent No. 4,792,968, which is a continuation-in-part of application Serial No. 06/753,299 filed on July 10, 1985, now abandoned;

Also said application Serial No. 08/306,456 is directly a continuation-in-part of Application Serial No. 07/335,923 filed on April 10, 1989, now U.S. Patent No. 6,016,344, which is a continuation of Application Serial No. 07/194,258 filed on May 16, 1988, now U.S. Patent No. 4,845,739, which is a continuation-in-part of Application Serial No. 07/018,244 filed on February 24, 1987, now U.S. Patent No. 4,792,968, which is a continuation-in-part of Application Serial No. 06/753,299 filed on July 10, 1985, now abandoned,. The benefit of the earlier filing dates in the United States is claimed under 35 U.S.C. § 120, by

Ronald A. Katzfor: TELEPHONIC-INTERFACE STATISTICAL ANALYSIS SYSTEM

## CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' (Label No. EL 781811031 US) in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

April 13, 2001  
Date of Deposit

Kelly Walsh  
Kelly Walsh

11000 U.S. PTO  
04/13/01

08/306,456

**1. COPY OF PRIOR APPLICATION AS FILED WHICH IS ATTACHED**

- ☒ I hereby verify that the attached papers are a true and complete copy of what is shown in my records to be the above-identified prior application, including the oath or declaration as originally filed. (37 CFR 1.53)

30 Pages of Specification

7 Pages of Claims

1 Pages of Abstract

3 Sheets of Drawings X formal        Informal

3 Page of Declaration and Petition

1 Page of Associate Power of Attorney from principal attorney

2 Pages of Power of Attorney by Assignee

2 Pages of Subsequent Revocation and Grant of Power of Attorney

- ☒ In accordance with the indication required by 37 CFR 1.53(b), my records reflect that the original signed declaration showing applicant's signature was filed on March 18, 1991.

- ☐ The amendment referred to in the declaration filed to complete the prior application, and I hereby state, in accordance with the requirements of 37 CFR 1.53(b), that this amendment did not introduce new matter therein.

**2. AMENDMENTS**

- ☒ Cancel in this application original Claims 2-21 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

- ☒ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the next number following the highest numbered original claim in the prior application.)

**3. INFORMATION DISCLOSURE STATEMENT**

- ☐ An Information Disclosure Statement, PTO 1449, and references are submitted herewith.

**4. PETITION FOR SUSPENSION OF PROSECUTION FOR THE TIME TO FILE AN AMENDMENT**

- ☐ There is provided herewith a PETITION FOR SUSPENSION OF PROSECUTION FOR THE TIME NECESSARY TO FILE AN AMENDMENT (NEW APPLICATION FILED CONCURRENTLY).

**5. FEE CALCULATION**

<b>BASIC FILING FEE:</b>				<b>\$710.00</b>
Total Claims	1	- 20	= 0 x \$18	\$0.00
Independent Claims	1	- 3	= 0 x \$78	\$0.00
Multiple Dependent Claims			\$260 (if applicable)	
Surcharge 37 CFR 1.16(e)			\$130 (if applicable)	
<b>TOTAL OF ABOVE CALCULATIONS</b>				<b>\$ 710.00</b>
Reduction by ½ for Filing by Small Entity. Note 37 CFR 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.				
Misc. Filing Fees (Recordation of Assignment)				
<b>TOTAL FEES SUBMITTED HEREWITH</b>				<b>\$710.00</b>

- ☐ The fee for extra claims is not being paid at this time.

Filing Fee Calculation \_\_\_\_\_

**6. SMALL ENTITY STATUS**

- ☐ A Verified Statement to establish small entity under 37 CFR 1.9 and 1.27 is attached
- ☐ has been filed in the prior application and such status is still proper and desired. [37 CFR 1.28(a)]

Filing Fee Calculation (50% of above) \$0.00

**7. DRAWINGS**

[NOTE: DO NOT CHECK THIS IF PRIOR CASE IS NOT TO BE ABANDONED.]

- ☐ Transfer the drawings from the prior application to this application and, subject to Item 16 below, abandon said prior application as of the filing date accorded to this

application. A duplicate copy of this request is enclosed for filing in the prior application file.

[May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record authorized by 37 CFR 1.138 and before payment of issue fee.]

☐ Transfer the following sheet(s) of drawings from the prior application to this application.

☒ New drawings are enclosed ☒ formal ☐ informal

#### 8. **PRIORITY - 35 U.S.C. 119**

☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ [country] is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.

☐ The certified copy will follow.

#### 9. **RELATE BACK - 35 U.S.C. 120**

☒ Amend the Specification by deleting on page 1, lines 5-21, and inserting under the heading "Background and Summary of the Invention" as follows:

—This application is a continuation of Serial No. 08/306,456 filed on September 14, 1994, which is a continuation of application Serial No. 08/058,452 filed on May 7, 1993, now U.S. Patent No. 5,359,645, which is a continuation of application Serial No. 07/680,879 filed on April 5, 1991, now U.S. Patent No. 5,224,153, which is a continuation-in-part of application Serial No. 07/481,403 filed on February 20, 1990, now U.S. Patent No. 5,014,298, which is a continuation-in-part of application Serial No. 07/312,792 filed on February 21, 1989, now U.S. Patent No. 5,073,929, which is a continuation-in-part of application Serial No. 07/194,258 filed on May 16, 1988, now U.S. Patent No. 4,845,739, which is a continuation-in-part of application Serial No. 07/018,244 filed on February 24, 1987, now U.S. Patent No. 4,792,968, which is a continuation-in-part of application Serial No. 06/753,299 filed on July 10, 1985, now abandoned;

Also said application Serial No. 08/306,456 is directly a continuation-in-part of Application Serial No. 07/335,923 filed on April 10, 1989, now U.S. Patent No. 6,016,344, which is a continuation of Application Serial No. 07/194,258 filed on May 16, 1988, now U.S. Patent No. 4,845,739, which is a continuation-in-part of Application Serial No. 07/018,244 filed on February 24, 1987, now U.S. Patent No. 4,792,968, which is a continuation-in-part of Application Serial No. 06/753,299 filed on July 10, 1985, now abandoned.-

**10. INVENTORSHIP STATEMENT**

☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 U.S.C. 120, the inventor(s) in this application is (are):

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

[type name(s) of inventor(s) to be deleted]

☒ The inventorship for all the claims in this application are:

☒ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

**11. ASSIGNMENT**

☒ The prior application is assigned of record to Ronald A. Katz Technology Licensing, L.P.

Ronald A. Katz Technology Licensing, L.P.  
Name of Assignee

9220 Sunset Boulevard, Suite 315, Los Angeles, California 90069  
Address of Assignee

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on September 26, 1994, Reel 7133, Frames 090-100

☐ An Assignment of the invention to \_\_\_\_\_ is attached.

**12. FEE PAYMENT BEING MADE AT THIS TIME**

☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.]

☒ Attached.

☒ Filing fee. \$710.00

- ☐ Recording assignment. [\$40.00 37 CFR 1.21(h)(1)] \_\_\_\_\_  
 Petition fee for filing by other than all the inventors or  
 person on behalf of the inventor where inventor refused  
 to sign or cannot be reached.  
 [\$130.00; 37 CFR 1.47 and 1.17(h)] \_\_\_\_\_
- ☐ Petition fee to Suspend Prosecution for the Time  
 Necessary to File an Amendment (New Application Filed  
 Concurrently).  
 [\$130.00; 37 CFR 1.103 and 1.17(i)(1)] \_\_\_\_\_
- ☐ For processing an application with a specification  
 in a non-English language.  
 [\$130.00; 37 CFR 1.52(d) and 1.17(k)] \_\_\_\_\_
- ☐ Processing and retention fee.  
 [\$130.00; 37 CFR 1.53(d) and 1.21(l)] \_\_\_\_\_

**Total Fees Enclosed \$710.00**

**13. METHOD OF PAYMENT OF FEES**

- ☒ Attached is a check in the amount of \$710.00.
- ☐ Charge Deposit Account No. **50-1636** in the amount of \$0.00.

**14. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **50-1636**:

- ☒ 37 CFR 1.16 (filing fees)
- ☒ 37 CFR 1.16 (presentation of extra claims)
- ☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 CFR 1.17 (application processing fees)
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

**15. INSTRUCTIONS AS TO OVERPAYMENT**

- ☒ Credit Deposit Account No. **50-1636**.

☐ Refund

**16. POWER OF ATTORNEY**

☒ The power of attorney in the prior application is to Reena Kuyper, Reg. No. 33,830 (registered patent agent) and Byard G. Nilsson, Reg. No. 17,350 both with A2D, L.P. which limited partnership is a general partner of Ronald A. Katz Technology Licensing, L.P., both entities located at 9220 Sunset Blvd., Suite 315, Los Angeles, California 90069 both of whom are registered to practice in the U.S. Patent and Trademark office.

☐ The power appears in the original papers in the prior application.

☒ The power does not appear in the original papers, but was filed on February 12, 2001 in the prior application.

☐ A new power has been executed and is attached.

☒ Address all future communications to:

A2D, L.P.  
9220 Sunset Blvd., Suite 315  
Los Angeles, California 90069  
(310) 247-8191  
Attention: Reena Kuyper

**17. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION**

☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until \_\_\_\_\_. A copy of the petition for extension of time in the **prior** application is attached.

**18. CONDITIONAL PETITIONS FOR EXTENSION OF TIME IN PRIOR APPLICATION**

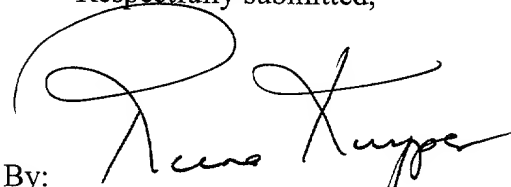
☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

**19. ABANDONMENT OF PRIOR APPLICATION**

☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-

pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item 13 above.

Respectfully submitted,



By: \_\_\_\_\_

Reena Kuyper  
Registration No. 33,830

Dated: April 13, 2001 \_\_\_\_\_

9220 Sunset Blvd., Suite 315  
Los Angeles, California 90069  
(310) 247-8191

Enclosures